



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/439,482

11/12/1999

PETER BERNARD

1692

7590

04/12/2002

IRELL & MANELLA LLP  
1800 AVENUE OF THE STARS  
SUITE 900  
LOS ANGELES, CA 90067

EXAMINER

CHUNG, DANIEL J

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*COJ*

# Office Action Summary

Application No.

09/439,482

Applicant(s)

BERNARD ET AL.

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

Claims 1-32 are presented for examination. This office action is in response to the amendment filed on 1-25-2002. Claims 8-32 have been added by the amendment filed on 1-25-2002.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

This application does not contain "summary of invention" of the disclosure. The section of "summary of Invention" is respectfully required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anabuki (6,091,518) in view of Holub (6,157,735).

Regarding claim 1, Anabuki discloses that the claimed feature of a system for providing images to a user comprising:

In response to a user request to provide one of more images, determine available user color characterization data ["color image information"/"object information"] (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Cause one of more images having color characteristics ["the color corrected color image information"] appropriate to the user color characterization data ["color image information/object information"] so determined to be sent to user (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Anabuki does not specifically disclose that "user color characterization data" or "performing color correction based upon user display characteristics". However, such claimed feature of Applicant's invention are shown in the teaching of Holub. (See Fig 3A, Fig 7, Fig 21, col 8 line 56-61, col 13 line 32-38, 58-60, col 14 line 22-51, claims 20 & 52) The motivation would have been to effectively allow users to negotiate over the colors appearing in page layout and to confer about color corrections with easy manner, as mentioned in the teaching of Holub. (See col 14 line 27-30) Therefore, it would have been obvious to one skilled in the art to incorporate the teaching of Holub into the teaching of Anabuki.

Regarding claim 2, Anabuki discloses that if user color characterization data is available user sees a first icon. (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55;also See col 22 line 57-col 23 line 51 in Holub)

Anabuki does not specifically disclose that showing a first/second icons, based on the availability of user color characterization data. However, Examiner takes Office Notice that using the icons/flags to represent the availability of specific data is a well-known art which save the processing/transmission time. Therefore, it would have been obvious to one skilled in the art to have such "icons" into the teaching of Anabuki.

Regarding claim 3, Anabuki discloses that if user color characterization data is not available user sees a second icon. (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55; also See col 22 line 57-col 23 line 51 in Holub)

Regarding claim 4, Anabuki discloses that color correction of the one or more images is on-the-fly. (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Regarding claim 5, Anabuki discloses that color correction [35,36] of images is by selection of a group of one or more images from one or more groups of pre-transformed

Art Unit: 2672

images. [profile information] (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Regarding claim 6, Anabuki discloses that color correction [35,36] of the one or more images is done to the characterization details of the user. (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55; also See Fig 3A, Fig 7, Fig 21, col 8 line 56-61, col 13 line 32-38, 58-60, col 14 line 22-51, claims 20 & 52 in Holub)

Regarding claim 7, Anabuki discloses that color correction [35,36] of the one or more images is done to match one of a predetermined set of color characterization parameters. [profile information] (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55; also See Fig 3A, Fig 7, Fig 21, col 8 line 56-61, col 13 line 32-38, 58-60, col 14 line 22-51, claims 20 & 52 in Holub)

Regarding claim 8, Anabuki discloses that the user is a person or the user is a client computer connected to a computer network including an Internet, an intranet, or a local area network. (See Abstract, Fig 1, Fig 2, Fig 4, Fig 7, Fig 8, Fig 9, Fig 11, Fig 12, Fig 14-15; also See col 12 line 8-14 in Holub)

Regarding claim 9, Anabuki discloses that the user is a client computer connected to a computer network; and the method further comprises receiving the user request at a server computer connected to the computer network. (See Abstract, Fig 1,

Fig 2, Fig 4, Fig 7, Fig 8, Fig 9, Fig 11, Fig 12, Fig 14-15; also See col 12 line 8-14 in Holub)

Regarding claim 10, Anabuki discloses that providing information from the client to the server to determine user color characterization data. (See Abstract, Fig 1, Fig 2, Fig 4, Fig 7, Fig 8, Fig 9, Fig 11, Fig 12, Fig 14-15; Also see Fig 3A, Fig 7, Fig 21, col 8 line 56-61, col 13 line 32-38, 58-60, col 14 line 22-51, claims 20 & 52, col 12 line 8-14 in Holub)

Regarding claim 11, Anabuki discloses that the information provided from the client to the server is a cookie previously dropped by the server on the client. (See Abstract, Fig 1, Fig 2, Fig 4, Fig 7, Fig 8, Fig 9, Fig 11, Fig 12, Fig 14-15; also See col 12 line 8-14 in Holub)

Anabuki does not explicitly disclose that "cookie". However, it was well –known in the art that the color information can be generated and stored in a cookie for transmission and storage on client, or elsewhere. According to the on-line dictionary, "cookie" is defined as "on the world wide web, a block of data that a Web server stores on a client system. When a user returns to the same Web site, the browser sends a copy of the cookie back to the server. Cookies are used to identify users, to instruct the server to send a customized version of the requested Web page, to submit account information for the user, and for other administrative purposes." Therefore, it would

Art Unit: 2672

have been obvious to one skilled in the art to include "cookie" into the teaching of Anabuki.

Regarding claim 12, Anabuki discloses that the cookie contains information to enable the server to identify the user. (See Abstract, Fig 1, Fig 2, Fig 4, Fig 7, Fig 8, Fig 9, Fig 11, Fig 12, Fig 14-15; also See col 12 line 8-14 in Holub)

Regarding claim 13, Anabuki discloses that the cookie contains the user color characterization data. (See Abstract, Fig 1, Fig 2, Fig 4, Fig 7, Fig 8, Fig 9, Fig 11, Fig 12, Fig 14-15; Also see Fig 3A, Fig 7, Fig 21, col 8 line 56-61, col 13 line 32-38, 58-60, col 14 line 22-51, claims 20 & 52, col 12 line 8-14 in Holub)

Regarding claim 14, Anabuki discloses that retrieving from a database the user color characterization data in accordance with the user identification. (See Abstract, Fig 1, Fig 2, Fig 4, Fig 7, Fig 8, Fig 9, Fig 11, Fig 12, Fig 14-15; Also see Fig 3A, Fig 7, Fig 21, col 8 line 56-61, col 13 line 32-38, 58-60, col 14 line 22-51, claims 20 & 52, col 12 line 8-14 in Holub)

Regarding claims 15-32, claims 15-32 are similar in scope to the claims 1-14, and thus the rejections to claims 1-14 hereinabove are also applicable to claims 15-32.



***Response to Arguments***

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
April 4, 2002

A handwritten signature in black ink, appearing to read 'Matthew Luu', followed by a large, stylized flourish or checkmark-like stroke.

**MATTHEW LUU**  
**PRIMARY EXAMINER**